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# MICHIGAN LAW REVIEW

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## NOTE AND COMMENT.

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DEAN POUND—Harvard has honored itself in the appointment of Roscoe POUND to the deanship of its law school.

Since the lamentable death of Dean THAYER, outsiders have had but one serious question as to the wisdom of summoning to the official leadership of the law school the man whose profound scholarship and powerful mind had already made him one of the acknowledged leaders of his generation, and that doubt was only whether the duties of the deanship might not overburden a man whose zeal to make the jurisprudence of his country more scientific and more serviceable, had already led him to burn the candle at both ends, in the attainment of a scientific mastery of the system, and in restating it in form and terms of this extraordinary century of the world's development. It would be a great loss to us all if Mr. POUND's working years were to be lessened, or the productivity of his scholarship were to be arrested or diminished by any sacrifice of his powers to the administrative duties of a deanship. But it is probably safe to assume that the Harvard faculty and governing boards are aware of and will guard against such a sacrifice. Certain it is that Mr. POUND will be no mere administrative dean, and whether he regards it as duty or as opportunity he will make of his deanship a new

source of strength and leadership in the great cause to which he has devoted his life.

This is not the place for a critical estimate of Mr. POUND's work or of his place in American legal scholarship, nor for extended encomium of him as teacher, writer and man. But some facts as to his qualifications for the performance of his new duties, the character and already accomplished results of his scholarship, and his traits as colleague, friend and man stand out in bold relief and it seems appropriate, as it certainly is a pleasure, to speak of these in the Review of this University. We take just pride in the fact that he holds our degree of LL.D. conferred in 1913, and we are deeply appreciative of the powerful stimulus to scholarship which he generously gave to us while he was giving the course in Equity here in the summer of 1915.

Mr. POUND comes to the Harvard deanship with a wealth of well-rounded experience, seldom if ever equalled in American legal education. As a man of science (in Botany), as a militia officer, as lawyer, judge and writer, as a teacher in at least five law schools, he has acquired a matured and enlightened judgment and an extraordinary knowledge of conditions in the administration of law and in legal education throughout the United States. In the law itself his experience has been unusually varied, as he has taught nearly all of the principal common law subjects, some of the unusual special topics such as mining and irrigation law, and has besides become saturated with the Roman law, with jurisprudence and juristic philosophy. These latter fields especially he has made peculiarly his own.

Many legal scholars have long been dissatisfied with the individualistic and the legalistic character of our common law, but time is certain to record that Mr. POUND was the founder of the school of sociological jurisprudence in this country. Coming into law school work fully equipped and at the psychological moment, he has easily proved himself the master in this field, and it will not be possible to point to any other whose influence has been as potent as his, in what is clearly a new era in the development of our juristic scheme.

But despite his almost unrivaled scholarship and the power and clarity of his mind, most law school teachers are likely to think first of the big-mindedness and bigheartedness of this man. Many a young teacher owes to him suggestion, guidance and inspiration which have contributed much to his success. The very finest product of his mind, though yet unpublished, has been freely put at the disposal of those whom he thought worthy. These are a few of the reasons why law school men will wish to Roscoe POUND and the Harvard Law School under his leadership that great measure of prosperity and influence which they deserve.

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THE PERFORMANCE OF A LEGAL OBLIGATION AS CONSIDERATION FOR A PROMISE.—At a time when the true reasonableness of the common law and its responsiveness to the actualities of life are under criticism, it is interesting to find several cases, within the past year,